

REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION

June 9, 2014

*These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at [www.costamesaca.gov](http://www.costamesaca.gov) or purchased on DVD upon request.*

Commissioner McCarthy led in the Pledge of Allegiance.

**ROLL CALL:**

Present: Chair Jim Fitzpatrick  
Vice-Chair Robert Dickson  
Commissioner Colin McCarthy  
Commissioner Jeff Mathews  
Commissioner Tim Sesler

Staff: Jerry Guarracino, Interim Assistant Development Services Director  
Yolanda Summerhill, Planning Commission Counsel  
Fariba Fazeli, City Engineer  
Mino Ashabi, Principal Planner  
Antonio Gardea, Senior Planner  
Chelsea Crager, Assistant Planner  
Martha Rosales, Recording Secretary

**PUBLIC COMMENTS**

Beth Refakes, East Side resident, thanked everyone for contributing towards the care packages for the 1/5. Collections will still be accepted through August.

Barrie Fisher, Costa Mesa resident, asked why curbs in front of fire hydrants were not painted red. Chair Fitzpatrick asked City Engineer Fariba Fazeli to provide a general response at the next Planning Commission meeting and asked Ms. Fisher to exchange information with Ms. Fazeli with regards to the specifics.

Robin Leffler, Costa Mesa resident, asked that areas of Mesa-Verde be included in the fire hydrant research and added this should be a city-wide survey.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner Sesler spoke about the Costa Mesa Connect application that could be downloaded and used to report nuisance behavior.

Commissioner McCarthy gave an update regarding the Liaison Committee meeting with the Newport Mesa Unified School District and the issue regarding fields.

Commissioner Mathews, following-up on the topic of fire hydrants, stated that the California Vehicle Code did not allow vehicles to park within 10 feet of a fire hydrant and did not think that painting the curbs red was a requirement.

Chair Fitzpatrick asked Interim Assistant Development Services Director Jerry Guarracino to present a new procedure.

Mr. Guarracino gave a presentation regarding a new policy for submitting materials to the Planning Commission. The new policy would become effective at the June 23, 2014 Planning Commission meeting.

Chair Fitzpatrick stated that any tool to better designate parking and enforce it, especially in neighborhoods with problem parking, was a good tool-kit for the Commission to consider. He talked about an FAQ form that was being developed on how best to report problem properties or behaviors that might be rising to the levels of a nuisance so they can ultimately become a part of a record and the use of motels for immediate emergency housing.

#### **CONSENT CALENDAR:**

1. Minutes for the meeting of May 27, 2014
2. Code Enforcement Update

Chair Fitzpatrick spoke briefly on the Code Enforcement Update report.

**MOTION: Approve the Consent Calendar items. Moved by Vice-Chair Dickson, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

#### **PUBLIC HEARINGS:**

1. **Site Address:** Citywide  
**Zone:** City of Costa Mesa  
**Project Planner:** Minoo Ashabi  
**Environmental Determination:** Exempt- per Section 15061(b)(3) General Rule

**Description:** AN AMENDMENT TO COSTA MESA RESIDENTIAL DESIGN GUIDELINES RELATED TO MAILING NOTIFICATION TO ADJACENT PROPERTY OWNERS FOR TWO-STORY CONSTRUCTION.

An amendment to the City's Residential Design Guidelines related to the following items:

- Revise Section 2 to remove requirement of mailing a notice to abutting property owners for new two-story construction, or additions that are in compliance with the guidelines.

Minoo Ashabi, Principal Planner, summarized the staff report for a proposed amendment to the City's Residential Design Guidelines. Ms. Ashabi reported that several letters opposing the proposed amendment were received.

The Commission discussed compatibility and subjectivity components of the Residential Designer Guidelines, alternatives for balancing neighbor's concerns while protecting their rights, sending notices earlier in the process and the appeal process.



## PUBLIC COMMENTS

Harold Waitzberg, Costa Mesa resident, said it was duly kind for people to notify neighbors of their intentions to build on abutting properties. He suggested looking at an "intent to construct" as the beginning point of deciding how to handle second stories and stated the current noticing process needed to be reviewed to ensure they were being mailed in a timely fashion.

Jay Humphrey, Costa Mesa resident, thanked Commissioner McCarthy for his comments regarding noticing. It was incumbent for the person doing the construction to be a good neighbor and notify the neighbors. He suggested mailing the notices earlier in the process and requiring discussions between homeowners putting the onus on the developer to communicate with neighbors. Under no circumstances did he think it was appropriate to not notify abutting residents.

Cynthia Foley, Costa Mesa resident, agreed with the comments from the previous public speakers and said that considering the residents made it more agreeable to people coming into the city instead of breeding ill-will. She was in favor of noticing earlier in the process.

Beth Refakes, Costa Mesa resident, opposed eliminating notification to abutting neighbors so people can give their input. You have better projects when you work with neighbors.

Linda Crociat, Costa Mesa resident, stated that builders are destroying the charm of Costa Mesa. She was upset and concerned because she did not want to lose her home and was against approving the proposed amendment.

James Kane, Costa Mesa resident, said Costa Mesa prided itself in being a transparent city – removing this requirement would be a step backwards. He suggested keeping the noticing requirement and moving earlier in the process.

Mary Spadoni, Costa Mesa resident, has seen Costa Mesa's charm diminish with the arrival of two-story homes. The high density, smaller lots and 2-3 story homes are ruining their eclectic community.

Laurene Keane, Costa Mesa resident, stated her opposition of the amendment going forward. She agreed with the comments of the residents who submitted correspondence to the Commission and felt that abutting neighbors should have the right to appeal the construction of proposed two-stories. If there was a time-issue with the notification it should be addressed and not eliminated. Ms. Keane believed in the right of everyone to have a say over what is going to be in their communities.

Robin Leffler, Costa Mesa resident, owned properties in Costa Mesa and as a property owner she had a right to add a second-story; however, under no circumstance would she want her neighbors to be left out of a chance to comment on it. She wondered if this item had been noticed properly and asked if a hearing was legal if it was not noticed properly. She suggested changing the color of the postcards to a color that would stand out.

Ruby Wilbur, Costa Mesa resident, found it disturbing and intrusive to see all the pre-fabricated houses popping up all over like a virus. She suggested putting up sticks like the City of Laguna Beach to give neighbors a visual of proposed projects.

Katie Arthur, Costa Mesa resident, was not happy with the density and thought the proposal was a very bad idea. She agreed with all the previous public speakers that it was good to notify people. She encouraged the Commission to send the message that they are supporting the residents, transparency and communication.

Jamie McCloud, East Side resident, opposed the proposed amendment and was glad to hear that previous public speakers suggested mailing the notices earlier in the process to the abutting neighbors. She wanted the noticing requirement to stay in place.

Steve Sloan, Costa Mesa resident, was a licensed architect and builder. He felt notification was important and suggested mailing the notices during the Design Development phase. Mr. Sloan did not think it was inappropriate for the Zoning Administrator to receive site, floor and elevation plans and have the ownership on the homeowner. He shared that in the City of Irvine, the homeowner goes to the neighbors and obtains signatures on "We Have Been Notified" forms along with a copy of the design development plans.

At the Chair's request, Ms. Ashabi explained the current noticing process. She added that in the past 10 years, 3 appeals had been filed – one appeal was pulled by the Planning Commission and 2 appeals were filed adjacent homeowners.

The Commission inquired about the Design Development phase, number of two-story permits/applications, plans to amend sections CD-7A.1 and CD-7A.2 in the General Plan. The Commission was not in support of eliminating the noticing process and suggested altering the timing requirements.

**MOTION: Receive and file Public Hearing No. 1 with direction to staff to review and see if there is a way to maintain the integrity of the noticing process but provide it earlier. Moved by Commissioner McCarthy, seconded by Chair Fitzpatrick.**

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

2. **Application No.:** PA-14-13  
**Applicant:** Bundy-Finkel Architects, Inc.  
**Site Address:** 2777 Bristol Street, Suite A  
**Zone:** CL  
**Project Planner:** Chelsea Crager  
**Environmental**  
**Determination:** Exempt- per Section 15301 – Existing Facilities

**Description:** Conditional Use Permit to establish a studio for soccer training (TOCA Studio) in a 9,655 sq. ft. building space with a deviation from shared parking requirements based on unique operating characteristics: one-on-one training and small group classes (1-2 students and 1 trainer) proposed with up to 5 classes at one time. Proposed operating hours are 9:00 am-11:00 pm Monday-Friday, 9:00 am-9:00 pm Saturday, and 9:00 am-8:00 p.m. Sunday.

Chelsea Crager, Assistant Planner, presented the staff report.

Ms. Crager responded to questions regarding parking issues if the project began to intensify and observation/viewership areas.



## PUBLIC COMMENTS

Tim Bundy, Applicant, had reviewed the conditions of approval and felt comfortable with them. He responded to questions from the Commission regarding parking and stated he did not think parking would become a major issue.

Vice-Chair Dickson enthusiastically supported the projected and thanked the applicant for choosing Costa Mesa for their business.

**MOTION:** Find that PA-14-13 is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 for Existing Facilities; and adopt a Conditional Use Permit for a soccer training facility with a deviation from the shared-parking requirements based on the findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B. Moved by Commissioner McCarthy, seconded by Vice-Chair Dickson.

The Chair explained the appeal process.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler  
Noes: None  
Absent: None  
Abstained: None

The Chair explained the appeal process.

3. **Application No.:** PA-14-15 & PM-14-03  
**Applicant:** Thomas St. Claire  
**Site Address:** 270 Palmer Street  
**Zone:** R2-MD  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** Exempt-per Section 15303 New Construction or Conversion of Small Structures & 15315 Minor Land Divisions

**Description:** The proposed project involves:

- 1) Design Review to construct two, 2-story, detached residential units on a 7,705 square foot lot.
- 2) Tentative Parcel Map for subdivision of the property into two, fee simple lots, in accordance with the standards of the small lot subdivision ordinance.

Antonio Gardea, Senior Planner, summarized the staff report and advised that the Conditions of Approval had been revised. He stated the applicant had received and reviewed the revisions and might have concerns with potential impacts the revisions might have on their site plan. Correspondences outlining 3 concerns had been received.

Mr. Gardea responded to questions regarding the addition of a sidewalk and preservation of an existing tree that the City's Arborist had inspected.

Fariba Fazeli, City Engineer, advised that the rear, paved, public alley ended halfway because the remaining homeowners had opted not to dedicate easements to the City for ingress/egress.

The Commission discussed at length access of the rear alley.

Commissioner Sester inquired if the tree that was to be preserved was on the Nuisance Tree List and if such list existed. Ms. Fazeli confirmed the City had a Nuisance Tree List. She did not think the tree was on the nuisance list but would follow up on it.

## **PUBLIC COMMENTS**

Thomas St. Claire, Applicant, had reviewed the Conditions of Approval and was in agreement with them. Mr. St. Claire said he had spoken with some of the neighbors regarding the tree and they had no problem accepting the Commission's decision to preserve or remove. A landscape plan had not been developed yet but as a condition of approval they were going to dress-up the easement and have it be access for the back home to there would be access from Palmer.

Ryan Olden, from Olden Architects, explained that the distance between the two homes did decrease from 20 feet to 18 but that only existed a little over half the width of the lot. They spread it about 22 feet for the remaining 40% to average 20-feet.

Mr. St. Claire answered the Chair's question regarding a for sale sign in the property.

Mette Segerblom, Costa Mesa resident, appreciated the neighborhood taking a step up to look nicer but had concerns with the development. The house was going to change the look and feel of the street because it was going to be much closer to the street than any other house. She was also concerned that the windows in the second house might be looking into her windows and said the alley access (walkway) was a security issue. Ms. Segerblom stated the Pepper tree needed to be removed and a sidewalk added.

Phillip Larson, Costa Mesa resident, shared his experience going through an appeal process in 2005. He said the Commission was pushing a project with a lot of potential parking problems and the residents wanted to keep the neighborhood the way it was.

Garth Holbrook, Costa Mesa resident, stated the City removed two live Pepper trees from his property because they were nuisance trees so he knew the City had a Nuisance Tree List. Mr. Holbrook tried to dedicate his property when the City was paving the alley but the City would not accept it. He and his neighbors were willing to dedicate their properties and get the area paved.

Peter Boyd, Costa Mesa resident, was pro-improvement, pro-adding value to the neighborhood and did not have an issue with development but this project did concern him because they were taking the historical norm of properties being served by the street to putting a front door. Mr. Boyd did not think putting people's front doors on alleys is what Costa Mesa was striving to achieve. He was also concerned with the pedestrian access compatibility, parking, trash cans, the Pepper tree and increased density issues.

Mr. St. Claire returned for closing comments and responded to concerns by the Commission regarding the alley access, trash service and the issue with the Pepper tree. The Commission requested to see more renderings and a landscape plan.

**MOTION: Staff to work with the applicant and return with a new application; continue PA-14-15 and PM-2014-125 for a 2-unit residential development at 270 Palmer Street to the July 14, 2014 Planning Commission meeting. Moved by Commissioner McCarthy, seconded by Vice-Chair Dickson with comment.**

Vice-Chair Dickson reminded the Commission that this applicant had previously brought forth a great product. He encouraged the applicant to work with staff with regards to the alley access in an attempt to reach a comfort level and approve the project.



The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler  
Noes: None  
Absent: Mathews  
Abstained: None

4. **Application No.:** GP-14-01, R-14-01, LL-14-03  
**Applicant:** Susan McDowell  
**Site Address:** 320 E. 18<sup>th</sup> Street  
**Zone:** I & R (Existing); R2-MD (Proposed)  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** Exempt-CEQA Section 1061(b)(3) General Rule

**Description:** The proposed project involves the following:

- 1) **General Plan Amendment GP-14-01.** Change the land use designation of a 23-foot by 63-foot strip of land within an existing church site from Public Institutional (PI) to Medium Density Residential (MDR).
- 2) **Rezone R-14-01.** Rezone a 23-foot by 63-foot strip of land within an existing church site from I&R (Institutional and Recreational) to R2-MD (Multiple Family Residential – Medium Density).
- 3) **Lot Line Adjustment LL-14-03.** Lot line adjustment to move the rear property line to the north by 23 feet for future residential development.

Antonio Gardea, Senior Planner, presented the staff report for a lot line adjustment, a rezone and General Plan amendment that affected an undeveloped portion of land and a portion of a surfaced parking lot used by the Lighthouse Coastal Community Church.

Mr. Gardea provided an explanation to the Chair regarding parking and parking ratio.

#### **PUBLIC COMMENTS**

Susan McDowell, Applicant and RSI Development Project Consultant representing the property owner, Sell Properties, LLC, said they were revising their request for the lot line adjustment distance from 23-feet to 16-feet by 63-feet. Ms. McDowell said the revision would not disturb the parking area, it would just incorporate the gravel area up to the asphalt parking.

Howard Banghausen, Costa Mesa resident, thanked Ms. McDowell for meeting with them at the site and discussing the revision that was brought forward. Mr. Banghausen supported the revision and recommended approval.

Beth Refakes, Magnolia Street resident, presented overhead slides that depicted parking issues and a truck that needed to be moved. She requested that the Master Plan be updated to reflect the current parking lot stripping configuration; the traffic circulation plan (current floor area reflecting a change from fixed seating to chair seating), and a revised lot area size and floor area ratio calculation reflecting the reduction of the size of the church property due to the acquisition by RSI. Ms. Refakes also requested removal of the commercial vehicle parking.

Ruby Wilbur, Costa Mesa resident, felt the church should have been present since it was a change to their property, their Master Plan and it had to do with density. Ms. Wilbur said the church needed landscaping and open space and the Master Plan needed to be revised.

Jay Humphrey, Costa Mesa resident, asked if the church's congregation had gone up in size because he did not think that parking should be calculated based on the pews being fixed or not. While he was not against the residential project, he was concerned with the impact of improperly calculating what the parking requirements should be. He encouraged the Commission to always keep the true impacts of parking calculations in mind.

Ms. McDowell emphasized the need for 16-feet in order to meet code and development standards.

Vice-Chair Dickson applauded the community's involvement and said this was a great example of the applicant working with the community. He asked staff if an automatic amendment of the Master Plan for the church would be required and asked that the Master Plan be brought back to the initial review by staff and for staff to submit it to the Planning Commission if they deemed it appropriate and to ensure that everything was going as it should. Mr. Guarracino suggested adding a condition of approval requiring submittal of a revised plan to staff showing the current conditions and submit it to the Commission only if there were conditions that intensified the original Master Plan. Vice-Chair Dickson agreed.

**MOTION:** Based on the evidence of the record and testimony from the applicant changing the Lot Line Adjustment requirements from 23-feet to 16-feet with regards to General Plan Amendment-14-01, Rezone R-14-01 for the property at 320 E. 18<sup>th</sup> street and Lot Line Adjustment LL-14-03, recommend that the Planning Commission find the project exempt from further CEQA review per Section 15061(b)(3); adopt the resolution recommending that the City Council approve General Plan Amendment 14-01, Rezone R-14-01, Lot Line Adjustment LL-14-03 with the condition that the church submit a revised Master Plan which reflects existing conditions and if it is determined that the change has to return to the Planning Commission staff will bring it forward to the Commission; if not, the change will be handled at the staff level; the findings in Exhibit A and Conditions of Approval as modified in Exhibit B; and the finding of Conditions of Approval set forth in Exhibit C for the Lot Line Adjustment. Moved by Vice-Chair Dickson, seconded by Chair Fitzpatrick for discussion.

Chair Fitzpatrick would be emailing staff requesting them to send a letter to the church and school reminding them that good parking would be a good neighbor, including the commercial vehicles.

The motion carried by the following roll call vote:

Ayes:	Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes:	None
Absent:	None
Abstained:	None

Chair Fitzpatrick reminded everyone of the Joint Council-Planning Commission Study Session on Wednesday, June 10, 2014.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON TUESDAY, JUNE 23, 2014.**

Submitted by:

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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION